



Montoya, Darlene <dmontoya@nmag.gov>

Use of force Policy and procedures

2 messages

Doug Bowman <dbowman@yucca.net>
To: dmontoya@nmag.gov

Wed, Feb 1, 2017 at 10:14 AM

Mrs. Montoya,

I apologize for the delay in getting this to you, but I spoke with Mrs. Anderson and explained my situation to her. Attached you will find a scanned copy of the use of force portion of our policy and procedures. I do not have in policy as to who investigates officer involved shootings in my jurisdiction. However, it has always been my practice to contact the New Mexico State Police whenever I have an officer involved shooting. I have a very good working relationship with the State Police in my jurisdiction and being a very small agency, they are always willing to help me. With that said, I am also currently in the process of updating my policies and procedures for the department and this will be a policy that will be implemented into the new version. If you have any suggestions or recommendations, I would greatly appreciate them. If you need anything else from me, please feel free to email or call me anytime at [575-309-8330](tel:575-309-8330).

Thank you,

Douglas Bowman

Chief of Police

Texico Police Department



Texico Use of Force.pdf

1861K

Montoya, Darlene <dmontoya@nmag.gov>
To: Doug Bowman <dbowman@yucca.net>

Tue, Feb 7, 2017 at 10:41 AM

Thank you Chief Bowman. The LEAB Subcommittee also would like to know how often your SOP is reviewed and/or revised; and, how often your officers receive training on this SOP. If you can please let me know, I will attach your response for the Subcommittee.

Thank you again.

[Quoted text hidden]

—

Darlene Montoya, Administrator
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Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:505-490-4854)

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1
EFFECTIVE DATE: September 16, 2009

USE OF FORCE

PAGE 1 OF 11

- I. **PURPOSE:** The purpose of this policy is to regulate the use of all types of force by members of this Department.
- II. **DEFINITIONS:** **Deadly Force** - Deadly force is all force which is applied in a manner or by means which are likely to result in death or great bodily injury to the person to whom the force is applied. Use of a firearm always constitutes deadly force; use of a vehicle, baton, flashlight or any other means of applying force may also constitute deadly force under some conditions.
- Physical Force** - Physical force is such force as may be applied to a suspect by baton, mace, physical restraint and control tactics, handcuffs, and any other necessary and/or available means.
- Necessary Force** - That force which is necessary to overcome resistance, effect an arrest and/or apprehension, and/or defend oneself or another.
- III. **APPLICABILITY:** This policy applies to all commissioned personnel of this Department.
- IV. **POLICY:** It is the policy of the Texico Police Department to accomplish its police mission as efficiently as possible, with due regard for the human dignity of all persons and with reliance upon the use of force. The use of force shall be restricted to circumstances allowed by either law or this policy and to the degree necessary to accomplish a law enforcement action.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-1
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-GENERAL PROVISIONS

PAGE 2 OF 11

SUMMARY OF POLICY AND PROCEDURE:

Commissioned personnel may use force to prevent a crime from being committed, to prevent injury, to apprehend and to defend themselves or other persons from unlawful attack or threats of attack and under all other circumstances where the use of force is reasonably necessary to accomplish the law enforcement action.

PROCEDURE:

Responsible Staff

Commissioned Personnel

Procedure Steps:

1. May use force in the performance of their duties in the following circumstances:
 - a. To prevent a crime from being committed or to interrupt a crime.
 - b. To prevent a person from injuring him/herself or another.
 - c. To lawfully apprehend any person(s) resisting, or attempting to flee from, custody or flee from apprehension.
 - d. In self defense when attacked or in the defense of another person.
 - e. In all other circumstances where the use of force is reasonably necessary to accomplish the law enforcement action.
2. Justification for the use of force is limited to what is reasonably known or perceived by the deputy at the time. Facts discovered after the event, no matter how compelling, cannot be used in later determinations of whether the use of force was justified.
3. All officer's will act in good faith in the exercise of force. The officer's options range from verbal persuasion to deadly force.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-2
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-PHYSICAL RESTRAINT

PAGE 3 OF 11

SUMMARY OF POLICY AND PROCEDURE:

Officers may use physical force (restraint and control tactics) when force is needed and weapons are not available or their use is unreasonable or inadvisable.

PROCEDURE:

Responsible Staff

Commissioned Personnel
who resist being

Procedure Steps:

1. Some degree of physical resistance by persons taken into custody will necessitate the use of physical force or arrest/control tactics, in order to accomplish the arrest in a safe manner for both the officer and suspect.
2. Restraint/control tactics are those physical techniques intended for use when weapons are not available or their use is unreasonable or inadvisable under the circumstances. The officer should be reasonably sure that he/she has the skills and ability to subdue the person before attempting to use arrest/control tactics. Good judgment is critically important in deciding which tactics to use and how much force to apply. The force must be necessary and appropriate.
3. When confronted with a situation which may necessitate the use of physical restraint, consideration may be given to requesting for back-up officer's prior to the use of force; however, the immediacy of the situation may preclude either the request for, or arrival of, a back-up officer.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-3
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-EXPANDABLE BATON

PAGE 4 OF 11

SUMMARY OF POLICY AND PROCEDURE:

The expandable baton may be used against an aggressive, unarmed suspect when physical force has failed or has been determined by the officer to be inadequate or inadvisable.

PROCEDURE:

Responsible Staff

Commissioned Personnel

Procedure Steps:

1. The expandable baton is an effective defensive, as well as offensive, weapon. Its use should be proper and judicious, and should be applied in a manner consistent with the officer's training.
 - a. The expandable baton may be used against an aggressive, unarmed suspect when physical restraint has failed or has been determined by the officer to be inadequate or inadvisable. A officer is not obliged to use physical restraint on an unarmed, aggressive suspect who is obviously larger or stronger than the officer; use of the baton is recommended.
 - b. Officers should carry the baton at all times when engaged in a police activity that may require a custodial action.
 - c. The expandable baton is capable of delivering blows to stun or incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling strikes. Strikes above the shoulders must be avoided whenever possible, but may be purposely delivered when the officer would be justified in the use of deadly force.
 - d. The expandable baton is not to be used as a tool to intimidate innocent people.
 - e. Expandable batons will not be altered by any addition of weight, metal or spikes.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-4
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-CHEMICAL MACE/PEPPER SPRAY

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SUMMARY OF POLICY AND PROCEDURE:

Chemical "mace" or pepper spray may be used to subdue an unarmed attacker or overcome resistance likely to result in injury to the officer or suspect. This is accomplished by projecting the liquid "mace"/pepper spray onto the suspect's face.

PROCEDURE:

Responsible Staff

Commissioned Personnel
applying

Procedure Steps:

1. The following points should be kept in mind when mace/pepper spray:
 - a. Mace/pepper spray is sometimes ineffective when used against drugged, extremely drunk, or enraged persons.
 - b. The officer who uses mace/pepper spray against a suspect is responsible for ensuring that the suspect receives first aid. Proper first aid for a person exposed to mace/pepper spray is to wash the person's face with clear cold water within 30 minutes. Officers will make every effort to apply first aid within 30 minutes or as soon as possible after exposure.
2. Officers should remember that mace/pepper spray is not designed to replace the baton or the firearm. It is a defensive weapon intended for use by a deputy when attempting to subdue an attacker or overcome resistance likely to result in injury to the officer or suspect.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-5
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-DEADLY FORCE

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SUMMARY OF POLICY AND PROCEDURE:

Commissioned personnel may use deadly force in defense of their lives, the lives of others or to arrest dangerous fleeing felons who present an immediate threat to others and whose capture is not imminent. Dangerous fleeing felons are persons who pose a threat of death or serious bodily injury to the deputy or to other citizens.

PROCEDURE:

Responsible Staff

Procedure Steps:

Commissioned Personnel

1. May use deadly force by any means only:
 - a. To protect themselves from danger of death or serious bodily injury.
 - b. To protect another person or persons from danger of death or serious bodily injury.
 - c. To arrest a fleeing felon for commission of a felony involving death or great bodily injury or who is escaping and presents an immediate threat of death or great bodily injury to others if the capture is not imminent.
 - d. Deadly force should preferably be applied by use of a departmentally approved firearm. In life threatening circumstances involving self defense or the defense of others, any available tool, device or method of delivering deadly force may be used to stop the life-threatening action.
 - e. Where feasible, some warning should be given prior to engaging in the use of deadly force.

**TEXICO POLICE DEPARTMENT
POLICIES & PROCEDURES**

POLICY NUMBER: OPR 1-6
EFFECTIVE DATE: NOVEMBER 20, 2008

USE OF FORCE-WEAPONS OF OPPORTUNITY

PAGE 7 OF 11

SUMMARY OF POLICY AND PROCEDURE:

When a confrontation escalates suddenly, a officer may use any device at hand to defend him/herself.

PROCEDURE:

Responsible Staff

Commissioned Personnel
deputy cannot

Procedure Steps:

1. If a confrontation suddenly escalates and the
respond with sufficient physical force or has no time
to draw and use an expandable baton,
mace/pepper spray or sidearm, he/she may use
whatever object is at hand for self defense and/or
arrest. Such objects include but are not limited to
clipboards, citation holders, flashlights or pens.
2. Officers should not intentionally strike above the
shoulders of an attacker with any metal, sharp or
heavy object unless the officer justifiably could use
deadly force.
3. The purpose of this procedure is to allow officers
defensive use of objects in an emergency. Every
officer is expected to use departmentally approved
weapons or physical strength in most "use of force"
situations.